

Amendment After Final Rejection
Serial No. 09/821,129

Docket No. FR000033

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REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-8 and 10-19 are pending and stand rejected. Claims 1, 2, 5, 8, 10, 14 and 17 have been amended.

Claims 1, 2, 5, 10, 11, 14 and 19 stand rejected under 35 USC 102(e) as being anticipated by Signes (USP no. 6,911,982).

Claims have been amended to recited "wherein said later instants are transmitted at a first known rate beginning at a known offset value from the given instant." No new matter has been added. Support for the amendment may be found at least in Figure 3 and on page 5, lines 6-9.

Signes teaches a data signal for modifying a graphic scene displayed on at least one terminal, the graphic scene made of a set of graphic objects and each object defined by at least one field. The data signal includes frames containing information for updating the graphic scene. Some of the frames also contain a command to completely replace the graphic scene with a new scene. Further, a method of transmitting a data signal to modify a graphic scene displayed on a terminal is disclosed. Signes also discloses a terminal for displaying a graphic scene, the terminal processing a signal for modifying the graphic scene. (see Abstract).

However, Signes is silent with regard to the establishing a timing relationship of the scenes and the access points, as is now recited in the claims.

It is well recognized that to constitute a rejection pursuant to 35 USC §102, i.e., anticipation, all material elements recited in a claim must be found in one unit of prior art.

Signes cannot be said to anticipate the present invention, because Signes fails to disclose each and every element recited. Signes fails to teach a timing relationship of the access points.

At least for this reason, applicant submits that the rejection of the claim has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

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With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. For the amendment made to these claims, which is similar to the amendment made with regard to claim 1 and for the remarks made in response to the rejection of claim 1, which are also applicable in response to the rejection of these claims, and reasserted, as if in full, herein, applicant submits that the reason for rejecting these claims have been overcome. Applicant respectfully requests withdrawal of the rejection and allowance of the remaining independent claims.

With regard the remaining claims, these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

For at least this reason, applicant respectfully requests withdrawal of the rejection and allowance of the remaining dependent claims.

Claims 3-4, 6-8, 12-13 and 15-18 stand rejected under 35 USC 103(a) as being unpatentable over Signes and further in view of the ISO/IEC MPEG 4 Standards Document authored by the MPEG.

The aforementioned claims depend from the independent claims, which have been shown to contain subject matter not disclosed by Signes. Contrary to the statements made in the Office Action, the cited reference regarding MPEG fails to provide any teaching or suggestion to correct the deficiency noted in the primary reference (Signes). Hence, even if there were some motivation to combine the teachings of the cited references, the device so formed fails to teach all the features recited in the independent claims, and consequently, the aforementioned dependent claims.

Thus, the subject matter recited in the aforementioned claims is not rendered obvious by the teachings of the cited references. For at least this reason, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079



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By: Steve Cha
Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615